

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

Darrell Goss,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 2:18-cv-2124-BHH
v.	)	
	)	
Bryan P. Stirling; Charles Williams;	)	<b><u>ORDER</u></b>
Joel Anderson; Aaron Joyner; Michael	)	
Stephen; Scott Lewis; Willie Davis;	)	
Richard Cothran; Levern Cohen;	)	
Donnie E. Stonebreaker; Terrie	)	
Wallace; Gary Lane; John Pate;	)	
Patricia Yedell; Thomas Robertson;	)	
A. Gladwell; Stephanie Marshall; )	)	
Stanley Terry; C. Jones; Deborah	)	
Richter; NFN Franklin; NFN Peek;	)	
NFN Hall; John Doe 1; John Doe 2;	)	
David Dunlap;	)	
	)	
Defendants.	)	
_____	)	

This matter is before the Court upon Plaintiff's pro se complaint filed pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), the matter was referred to a United States Magistrate Judge for preliminary determinations. On November 30, 2018, Magistrate Judge Mary Gordon Baker issued an order denying Plaintiff's motion to amend/correct amended complaint, severing the amended pleadings from the action, as well as a report and recommendation ("Report") outlining the issues and recommending that the Court dismiss Defendants Thomas Robertson; A. Gladwell; Stephanie Marshall; Stanley Terry; C. Jones; Deborah Richter; NFN Franklin; NFN Peek; NFN Hall; John Doe 1; John Doe 2; David Dunlap; and Juanita Moss from this action. Attached to the Magistrate Judge's Report was a notice advising

the parties of the right to file written objections to the Report within fourteen days of being served with a copy. On December 14, 2018, Defendants indicated that they would offer no objections to the Magistrate Judge's Report. On December 26, 2018, the Court received a letter dated December 17, 2018, wherein Plaintiff indicates he just received notice of the Magistrate Judge's Order and Report. Since that time, Plaintiff has offered no objections to the Magistrate Judge's recommendation in the Report.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'") (quoting Fed. R. Civ. P. 72 advisory committee's note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge's analysis.

Accordingly, the Court adopts the Magistrate Judge's Report (ECF No. 39) and

dismisses Defendants Thomas Robertson; A. Gladwell; Stephanie Marshall; Stanley Terry;  
C. Jones; Deborah Richter; NFN Franklin; NFN Peek; NFN Hall; John Doe 1; John Doe 2;  
David Dunlap: and Juanita Moss from this action.

**IT IS SO ORDERED.**

/s/Bruce H. Hendricks  
The Honorable Bruce Howe Hendricks  
United States District Judge

January 17, 2019  
Charleston, South Carolina

## **Notice of Right to File Objections to Report and Recommendation**

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. **Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections.** “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4<sup>th</sup> Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

**Robin L. Blume, Clerk  
United States District Court  
Post Office Box 835  
Charleston, South Carolina 29402**

**Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation.** 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4<sup>th</sup> Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4<sup>th</sup> Cir. 1984).